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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA

20 JOHN ARMSTRONG, et al.,

Case No. C94 2307 CW

21 Plaintiffs,

**STIPULATION AND [PROPOSED]  
ORDER REGARDING  
IMPLEMENTATION OF AND  
BRIEFING SCHEDULE FOR  
DISPUTES REGARDING THE RJD  
REMEDIAL PLAN**

22 v.

23 GAVIN NEWSOM, et al.,

Judge: Claudia Wilken

24 Defendants.

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[3641199.1]

Case No. C94 2307 CW

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STIPULATION AND [PROPOSED] ORDER REGARDING IMPLEMENTATION OF AND BRIEFING  
SCHEDULE FOR DISPUTES REGARDING THE RJD REMEDIAL PLAN

1       On September 8, 2020, the Court issued its Order Granting in part Motion to  
 2 Modify Remedial Orders and Injunctions (“RJD Order”), Dkt. 3059, and its Order for  
 3 Additional Remedial Measures (“RJD Injunction”), Dkt. 3060. The RJD Injunction set  
 4 forth a schedule (1) for Defendants, by September 22, 2020, to propose a plan (the “RJD  
 5 Remedial Plan”) “for achieving compliance with the *Armstrong* Remedial Plan (ARP) and  
 6 the Americans with Disabilities Act (ADA) that includes the components” described in the  
 7 remainder of the RJD Injunction, (2) for the parties, between September 22, 2020 and  
 8 October 20, 2020, to meet and confer regarding Defendants’ proposed RJD Remedial Plan,  
 9 and (3) for the parties, between October 21 and November 7, 2020, to brief any disputes  
 10 regarding the RJD Remedial Plan. RJD Injunction at 1-3.

11       On September 29, 2020, Defendants provided Plaintiffs with their proposed RJD  
 12 Remedial Plan.

13       The parties conducted meet and confer sessions by video conference on October 9,  
 14 2020, October 13, 2020, October 14, 2020, October 19, 2020, and October 23, 2020. Each  
 15 session lasted for at least one-and-a-half-hours and was attended by counsel for the parties,  
 16 Connie Gipson (CDCR’s Director of Adult Institutions), Amy Miller (CDCR’s Director of  
 17 Correctional Policy Research and Internal Oversight), and Jennifer Neill (Assistant  
 18 Secretary/Chief Counsel, Legal Affairs), and Edward Swanson (Court Expert). The parties  
 19 also have exchanged several sets of written comments regarding Defendants’ proposed  
 20 RJD Remedial Plan.

21       The parties have made significant progress in their negotiations. The parties have  
 22 agreed to a number of the provisions of the RJD Remedial Plan. In addition, the parties  
 23 intend to continue negotiations and are optimistic that they may be able to reach agreement  
 24 regarding additional provisions of the RJD Remedial Plan over the next few weeks. The  
 25 parties currently have meet and confer sessions scheduled for October 29, 2020, November  
 26 4, 2020, and November 10, 2020.

27       The parties hereby stipulate to the following:

28       1.       In the event that the parties are not able to resolve all disagreements

1 regarding the RJD Remedial Plan, Plaintiffs shall file objections with the Court no later  
2 than November 17, 2020 in a brief of no more than ten pages; Defendants may respond to  
3 the objections by November 24, 2020 in a brief of no more than fifteen pages; and  
4 Plaintiffs may file a reply by December 4, 2020 of no more than five pages.

5       2. Defendants agree that by no later than March 8, 2021, Defendants' audio-  
6 visual surveillance system (AVSS) at RJD, which will cover all areas of RJD to which  
7 class members have access—including, but not limited to, all exercise yards, housing units,  
8 sally-ports, dining halls, program areas, and gyms—will be fully implemented and  
9 operational, including all relevant policies, procedures, and training; absent external and  
10 unforeseen forces beyond CDCR's control.

11       3. Defendants agree that by no later than January 19, 2021, Defendants' body-  
12 worn camera program at RJD will be fully implemented and operational, including all  
13 relevant policies, procedures, and training; absent external and unforeseen forces beyond  
14 CDCR's control.

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[3641199.1]



1 ~~[PROPOSED]~~ ORDER

2 Having reviewed the above Stipulation of the parties, and good cause appearing, it  
3 is ORDERED that:

4 1. In the event that the parties are not able to resolve all disagreements  
5 regarding the RJD Remedial Plan, Plaintiffs shall file objections with the Court no later  
6 than November 17, 2020 in a brief of no more than ten pages; Defendants may respond to  
7 the objections by November 24, 2020 in a brief of no more than fifteen pages; and  
8 Plaintiffs may file a reply by December 4, 2020 of no more than five pages.

9 2. By no later than March 8, 2021, Defendants' audio-visual surveillance  
10 system (AVSS) at RJD, which will cover all areas of RJD to which class members have  
11 access—including, but not limited to, all exercise yards, housing units, sally-ports, dining  
12 halls, program areas, and gyms—shall be fully implemented and operational, including all  
13 relevant policies, procedures, and training; absent external and unforeseen forces beyond  
14 CDCR's control.

15 3. By no later than January 19, 2021, Defendants' body-worn camera program  
16 at RJD shall be fully implemented and operational, including all relevant policies,  
17 procedures, and training; absent external and unforeseen forces beyond CDCR's control.

18 4. By no later than December 14, 2020, Defendants shall hire and train  
19 correctional sergeants to fill nine new, seven-days-per-week positions at RJD. Five of the  
20 positions shall be on second watch (one on each of RJD's five yards) and four of the  
21 positions shall be on third watch (with one third watch sergeant assigned to cover both  
22 Facilities D and E).

23  
24 IT IS SO ORDERED.

25  
26 DATED: October 26, 2020



27 Honorable Claudia Wilken  
28 United States District Judge